

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)	
)	
)	
RAYMOND SEVERT, M.D.)	Case No. 12-2013-230064
)	
)	OAH No. 2015030367
Physician's and Surgeon's)	
Certificate No. G 63482)	
)	
Respondent.)	
_____)	

DECISION

The attached Proposed Decision is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on August 21, 2015.

IT IS SO ORDERED July 22, 2015.

MEDICAL BOARD OF CALIFORNIA



By: _____
Dev Gnanadev, M.D., Chair
Panel B

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

RAYMOND SEVERT, M.D.,

Physician and Surgeon's Certificate No.
G63482

Respondent.

Case No. 12-2013-230064

OAH No. 2015030367

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on May 26, 2015.

Vivien H. Hara, Deputy Attorney General, represented complainant.

Respondent Raymond Severt was not present. He was represented by Adam G. Slote, Attorney at Law.

Submission of the matter was deferred for receipt of argument, which was received, marked for the record and considered. The matter was submitted on June 8, 2015.

FACTUAL FINDINGS

1. Kimberly Kirchmeyer made the accusation in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On July 25, 1988, the Board issued Physician and Surgeon's Certificate No. G63482 to Raymond Severt, M.D. (respondent). This certificate expires on January 31, 2016. However, on March 4, 2013, pursuant to law, a Full License Suspension Order – No Practice was issued by the Superior Court of the State of California, County of Marin in Criminal Case No. SC183894A.

3. On February 28, 2013, a criminal complaint was filed by the District Attorney of Marin County against respondent in the Superior Court of California, County of Marin. The complaint charged respondent with violations of Penal Code sections 288, subdivision (a) (attempting a lewd act upon a child under the age of 14 years); 288.2, subdivision (a) (distribution of lewd material to a minor); 288.3, subdivision (a) (contacting and communicating with a minor for the purpose of engaging in lewd and lascivious behavior); and 288.4, subdivision (b) (arrangement of meeting with minor for the purpose of engaging in lewd and lascivious behavior), all felonies. He was also charged with violating Penal Code section 647.6, subdivision (a) (unlawfully annoying or molesting a child under the age of 18 years), a misdemeanor.

4. On March 4, 2013, respondent stipulated to an order prohibiting him from engaging in the practice of medicine during the pendency of the criminal action against him, and this was ordered by the Court.

5. On September 25, 2013, a formal information was filed against respondent. A jury trial was held from August 18, 2014 to August 26, 2014. The jury returned a verdict of guilty on all counts, and respondent was remanded to the custody of the sheriff. On October 29, 2014, respondent was placed on supervised probation for five years and order to serve one year in custody in the Marin County jail. Respondent was ordered to register as a sex offender pursuant to Penal Code section 290.

6. On November 3, 2014, respondent filed a Notice of Appeal with the First District Court of Appeal. No stay of respondent's conviction was granted. Complainant contends the criminal conviction is final. For purposes of taking disciplinary action against respondent's medical license based on this conviction and order to register as a sex offender, the complainant is correct. The medical practice act allows complainant to revoke respondent's license pursuant to his conviction. If respondent should win his appeal, then he can request relief from the Board.

7. Revocation of respondent's license is required since he is required under the law to register as a sex offender.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Findings 2 through 6, cause for disciplinary action exists pursuant to Business and Professions Code sections 2236 and 2234 (conviction of a substantially related crime). The conviction is final.

2. By reason of the matters set forth in Findings 2 through 7, cause for disciplinary action exists pursuant to Business and Professions Code section 2232, subdivision (a) (revocation required for any person required to register as a sex offender).

ORDER

The physician and surgeon's certificate no. G63482 is hereby revoked pursuant to Legal Conclusions 1 and 2, separately and jointly.

DATED: June 22, 2015

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *December 9, 2014*
BY: J. ELIAKIM ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 12-2013-230064

12 **RAYMOND SEVERT, M.D.**

13 **131 B Stoney Circle, Suite 200**
14 **Santa Rosa, CA 95401**
Physician and Surgeon's Certificate
15 **No. G63482**

A C C U S A T I O N

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs.

22 2. On or about July 25, 1988, the Medical Board of California issued Physician and
23 Surgeon's Certificate No. G63482 to Raymond Severt, M.D. (Respondent). This certificate
24 expires on January 31, 2016. However, on March 4, 2013, pursuant to Section 23 of the
25 California Penal Code, a Full License Suspension Order – No Practice was issued by the Superior
26 Court of the State of California, County of Marin in Case No. SC183894A.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

5. Section 2234 of the Code states that the Board shall take action against any licensee who is charged with unprofessional conduct and that unprofessional conduct includes, but is not limited to “(a) [v]iolating or attempting to violate, directly or indirectly, assisting in or abetting the violation of , or conspiring to violate any provision of this chapter [Chapter 5, Article 12 of the Code].

6. Section 2236 of the Code states:

“(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

“(b) The district attorney, city attorney, or other prosecuting agency shall notify the Division of Medical Quality of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

“(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix

1 the degree of discipline or to determine if the conviction is of an offense substantially related to
2 the qualifications, functions, or duties of a physician and surgeon.

3 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
4 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
5 shall be conclusive evidence of the fact that the conviction occurred.”

6 7. Section 2232 of the Code states:

7 “(a) Except as provided in subdivisions (b), (c) , and (d), the board shall promptly revoke
8 the license of any person who, at any time after January 1, 1947, has been required to register as a
9 sex offender pursuant to the provisions of Section 290 of the Penal Code.

10 “(b) This section shall not apply to a person who is required to register as a sex offender
11 pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under
12 Section 314 of the Penal Code.

13 “(c)(1) Five years after the effective date of the revocation and three years after successful
14 discharge from parole, probation, or both parole and probation if under simultaneous supervision,
15 an individual who after January 1, 1947, and prior to January 1, 2005, was subject to subdivision
16 (a), may petition the superior court, in the county in which the individual has resided for, at
17 minimum, five years prior to filing the petition, to hold a hearing within one year of the date of
18 the petition, in order for the court to determine whether the individual no longer poses a possible
19 risk to patients. The individual shall provide notice of the petition to the Attorney General and to
20 the board at the time of its filing. The Attorney General and the board may present written and
21 oral argument to the court on the merits of the petition.

22 “(2) If the court finds that the individual no longer poses a possible risk to patients, and
23 there are no other underlying reasons for which the board pursued disciplinary action, the court
24 shall order, in writing, the board to reinstate the individual's license within 180 days of the date of
25 the order. The board may issue a probationary license to a person subject to this paragraph
26 subject to terms and conditions, including, but not limited to, any of the conditions of probation
27 specified in Section 2221.

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"(3) If the court finds that the individual continues to pose a possible risk to patients, the court shall deny relief. The court's decision shall be binding on the individual and the board, and the individual shall be prohibited from filing a subsequent petition under this section based on the same conviction.

“(d) This section shall not apply to a person who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law.”

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially-Related Crime)

8. Respondent is subject to disciplinary action under sections 2236 and 2234 of the Code in that he has been convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon. The circumstances are as follows:

9. On or about February 28, 2013, a criminal complaint was filed by the District Attorney of Marin County against Respondent in the Superior Court of California, County of Marin in Case No. SC183894A. The complaint charged Respondent with violations of the California Penal Code (PC): PC section 288(a) (Attempting a Lewd Act Upon a Child Under the Age of 14 Years); PC section 288.2(a) (Distribution of Lewd Material to a Minor); PC section 288.3(a) (Contacting and Communicating with a Minor for the Purpose of Engaging in Lewd and Lascivious Behavior); and PC section 288.4(b) (Arrangement of Meeting with Minor for the Purpose of Engaging in Lewd and Lascivious Behavior), all felonies. A fifth charge, a violation of PC section 647.6(a) (Unlawfully Annoying or Molesting a Child Under the Age of 18 Years) was charged as a misdemeanor under PC section 17.4.

10. On March 4, 2013, Respondent stipulated with the Medical Board to an order under PC section 23 (Recommendation of State Agency Concerning Restrictions on Licensed Practice) prohibiting him from engaging in the practice of medicine during the pendency of the criminal action against him, and the Court so ordered.

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11. On September 25, 2013, a formal Information was filed in the action, containing the same charges as the complaint that had been filed in February 2013. On September 26, 2013, Respondent waived formal arraignment and pleaded “not guilty” to all charges and waived time for trial.

12. After several continuances, a jury trial commenced on August 18, 2014 after a jury was empaneled. Trial continued for seven (7) days, and on August 26, 2014, the jury returned with a verdict finding Respondent guilty on all counts, and Respondent was remanded to the custody of the sheriff. On October 29, 2014, after consideration of Respondent's probation report, his statement in mitigation, arguments of counsel and the testimony of the victim's mother, the Court imposed the following sentence: The Court declined to impose mandatory prison time under the felony counts and ordered that imposition of sentence be suspended. Respondent was placed on supervised probation for five (5) years on numerous terms and conditions, and as to Count 4 (PC 288.4(b) Arranging of Meeting with Minor for the Purpose of Engaging in Lewd and Lascivious Behavior), Respondent was sentenced to one (1) year in the custody of the Marin County Sheriff at the Marin County Jail. Among the requirements of Respondent's sentence is the order for Respondent to register as a sex offender pursuant to Penal Code section 290.

SECOND CAUSE FOR DISCIPLINE

(Registration as Sex Offender)

13. The allegations of paragraphs 9 through 13, above, are incorporated herein by reference as if fully set forth.

14. Respondent is subject to license revocation under section 2232 of the Code in that his sentence requires him to register as a sex offender under section 290 of the Penal Code.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision revoking Physician and Surgeon's Certificate Number G63482, issued to Raymond Severt, M.D. pursuant to the provisions of section 2232 of the Code.

DATED: December 9, 2014


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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